

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----X
DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiff,

-against-

MEDICAL MARIJUANA, INC.,
DIXIE ELIXIRS AND EDIBLES,
RED DICE HOLDINGS, LLC, and
DIXIE BOTANICALS,

Defendants,
-----X

Civ Action No: 15-cv-701 FPG/MJR

***SUPPLEMENTAL DECLARATION
JEFFREY BENJAMIN, ESQ.***

**SUPPLEMENTAL DECLARATION OF JEFFREY BENJAMIN IN SUPPORT OF
PLAINTIFF'S MOTION ALLOWING THE IMMEDIATE APPEAL OF THE ORDER
DISMISSING CLAIMS FROM THE CASE**

I, Jeffrey Benjamin, Esq., declare under penalty of perjury, as provided for by the laws of the United States, that the following statements are true:

1. I am an attorney and counselor at law, duly admitted to practice before the Courts of the State of New York and this Court, and counsel for Plaintiffs. As such, I am fully familiar with the facts stated herein submitted in support of the instant Motion.

2. The original Declaration filed for the instant Motion did not include a request as to certain of co-plaintiff's DOUGLAS HORN's dismissed claims (Doc #88), to wit: his certain claims under the New York General Business Law Sections §349 for Deceptive Practices and §350 for False Advertising.

3. For the same reasons set forth in my original Declaration requesting a final judgment as to CINDY HARP-HORN'S claims, plaintiff DOUGLAS J. HORN respectfully requests the Court issue final Judgment as to the dismissal of his state statutory claims above so that he may simultaneously proceed with his appeal as to those claims without delay.

4. For the foregoing reasons, plaintiffs hereby moves this Court for certification under FRCP 54(b) and an order of Entry of final judgment against both CINDY and DOUGLAS, and an express determination that there is no just reason for delay of both plaintiffs' appeal, along with any other relief this Court deems appropriate.

Dated: New York, New York

August 14, 2019

KUPILLAS, UNGER & BENJAMIN, LLP

Jeffrey Benjamin

Jeffrey Benjamin, Esq.,
Attorney for Plaintiffs
5 Penn Plaza, 23rd Floor
New York, New York 10001
(212) 655-9536